

REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated November 1, 2007.

Claim Rejections - 35 USC § 103(a)

The Applicant submits that the Examiner's rejection of obviousness is improper, because Silverbrook (US 6,966,636) does not qualify as prior art against the present application under 35 USC 103.

Silverbrook (US 6,966,636) was published on November 22, 2005, which is *after* the filing date of the present application. Silverbrook (US 6,966,636) therefore qualifies as prior art against the present application only under 35 USC 102(e).

In accordance with 35 USC 103(c), subject-matter qualifying as prior art under 35 USC 102(e) shall not preclude patentability under 35 USC 103 where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person .

The Applicant hereby declares that, at the time the presently claimed invention was made, the subject-matter of Silverbrook (US 6,966,636) and the presently claimed invention were both commonly owned by the same person (Silverbrook Research Pty Ltd).

Accordingly, Silverbrook (US 6,966,636) cannot be used to alleged obviousness under 35 USC 103. It is submitted that the Examiner's rejection of obviousness is improper.

Finality of Office Action

Since the Examiner has improperly rejected the presently claimed invention under 35 USC 103(a), the Applicant respectfully requests withdrawal of the finality of the most recent Office Action.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant/s:



Kia Silverbrook

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762